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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,371	12/27/2001	Andrew C. Gilbert		6761
63710	7590	09/21/2010	EXAMINER	
INNOVATION DIVISION CANTOR FITZGERALD, L.P. 110 EAST 59TH STREET (6TH FLOOR) NEW YORK, NY 10022			ONYEZIA, CHUKS N	
ART UNIT		PAPER NUMBER		3691
MAIL DATE		DELIVERY MODE		09/21/2010 PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ANDREW C. GILBERT and MARY ANN GILBERT

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Appeal 2010-012127  
Application 10/042,371  
Technology Center 3600

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Before STEVEN J. BARTLETT, *Division 2 Support Manager*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 13, 2009. A Docketing Notice was mailed on September 21, 2010. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

Appeal 2010-012127  
Application 10/042,371

UNDECIDED PETITION

A Petition for extension of time to file the Reply Brief and Request for Oral Hearing was filed on August 23, 2010. However, there is no indication in the record that the Petition was decided.

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to have the Petition filed August 23, 2010 decided;
- 2) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

ELD

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